

## MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 4:00PM — Tuesday, October 12<sup>th</sup>, 2021  
Location: Admin. Building Auditorium, 414 N. Main Street



At a Regular Meeting (#1) of the Board of Supervisors on Tuesday, October 12<sup>th</sup> at 4:00PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair  
Charlotte Hoffman, Vice-Chair  
Amber Foster, Member  
Kevin McGhee, Member  
Carty Yowell, Member  
Jonathon Weakley, County Administrator  
Sean Gregg, County Attorney

ABSENT:

### **CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE**

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Chairman Jackson advised that a quorum was present.

### **DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA**

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Chairman Jackson advised of a correction to the agenda:

#### **Special Appearances**

- ~~2. *VHDA Revitalization Grant*~~
- 2. *Virginia Housing Revitalization Resolution*

#### **New Business**

- 5A. *RRRC Board Appointment for Jonathon Weakley*

Supervisor McGhee made a motion to approve the agenda as corrected and amended, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

### **PUBLIC COMMENT**

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Chairman Jackson opened the floor to public comment. With no public comment being brought forth, the public comment session was closed.

### **CONSENT AGENDA**

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- 1. Approve: Minutes from 09/28/21

Supervisor Yowell made a motion to approve the consent agenda as presented, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

## **SPECIAL APPEARANCES**

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### **2. Virginia Housing Revitalization Resolution**

Wally Robinson from VHDA was present and presented to the Board on the Revitalization Area resolution as included in the agenda packet. According to Mr. Robinson, 20% of the housing would be income-qualified to individuals whose income does not exceed 80% of the area's median income.

- *Chairman Jackson: Asked the County Attorney if the town would have to pass the resolution as well.*

Mr. Robinson clarified that the town could pass the resolution as well.

- *Supervisor Yowell: Asked Wally Robinson if the County could designate villages under the resolution.*

Mr. Robinson said that villages such as Criglersville could fall under the resolution's parameters.

- *Supervisor Yowell: Asked about the typical process and whether a property owner would come to the Board or the Town and request designation as a revitalization area. Also asked if, in the event that the Board designated Criglersville as a revitalization area, someone could come in with a proposal and take it to VHDA for assistance.*

Mr. Robinson replied that Supervisor Yowell's example was one way to do it. He also explained that there were other loans available through VHDA for developers and the like.

- *Chairman Jackson: Asked Mr. Robinson what projects he had done close to Madison.*

Mr. Robinson replied that he had recently completed a project at Big Stone Gap Pharmacy.

- *Supervisor Yowell: Asked if Virginia Housing still owned the property.*

Mr. Robinson replied that Virginia Housing does not own properties, but they do keep them in their loan portfolio.

- *Supervisor Yowell: Asked if once the Town or County passes the resolution, they are out of things.*

Mr. Robinson replied that they were.

The County Administrator asked if it was normal for the Board to pass the resolution once they designate an area so that they can designate it as an exhibit on the resolution.

Mr. Robinson replied that it was typical for the resolution to contain the areas to be designated. Also said, in response to a comment by the Chairman, that areas could be designated individually or part of the same resolution.

Tracey Gardner asked if the Revitalization materials could be used on brownfields.

Mr. Robinson replied that they could.

➤ *Supervisor Yowell: Asked what Virginia Housing's annual budget was.*

Mr. Robinson replied that they have over \$2 billion in single family loans and last year had generated over \$1 billion.

➤ *Chairman Jackson: Asked how many people worked with Virginia Housing.*

Mr. Robinson replied that he estimated around 450+ contractors worked with Virginia Housing.

➤ *Chairman Jackson: Asked if getting Criglersville identified as an area was something that they could start on.*

The County Administrator replied that he agreed but that it might be a good idea to look for other areas as well that could fall within the resolution.

➤ *Chairman Jackson: Requested that the County Administrator identify areas such as Criglersville and Banco and bring the proposal back in October.*

### 3. Patrick Proffitt — Hurt & Proffitt Site Study Presentation

Patrick Proffitt was present with Zach Johnson from Hurt & Proffitt to give the Board an update on the Site Selection Study. The presentation included:

- An overview of the differences between the Gate Road Site and the Fairground Road Site for the proposed Rescue Squad Building
- The Criteria under which the sites were evaluated
- Possible site development options and layouts
- Stormwater management for each site
- An environmental review for both proposed sites
- A review of the utility infrastructure for both sites
- A transportation analysis, including proximity to hotspots for emergency calls
- An evaluation of each site for potential expansion in the future
- A site development estimation for each site

➤ *Supervisor Yowell: Asked Mr. Johnson what the difference between the fiber install options is for both sites.*

Mr. Johnson replied that the County was already planning to install fiber at Fairgrounds and that the other site would require the use of a private ISP rather than County-owned lines.

- *Chairman Jackson: Asked Bruce Livingston if it was better to use a private ISP or the existing fiber.*

Mr. Livingston replied that the existing fiber would be faster and more reliable. The ISP would also require a VPN connection as well.

The County Administrator added that using the County's existing lines would maintain the rights to the lines. He also asked about the type of traffic pertaining to each site; specifically, school traffic, and whether it was included in the analysis.

Mr. Proffitt replied that the trip generation analysis is based on a VDOT standpoint.

## **OLD BUSINESS**

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## **NEW BUSINESS**

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### **4. Route 636 River Road Paving Request**

The County Administrator informed the Board of a request from Mr. Zeid to pave Route 636.

- *Chairman Jackson: Asked if a traffic count has been looked at.*

The County Administrator responded that he had not looked at the traffic count yet and told the Board that the road saw more than just traffic from residents.

- *Chairman Jackson: Stated his opinion that the request be made at the hearing with VDOT for further discussion about placing it in the secondary road plan after the traffic count had been looked at.*

### **5. Opioid Resolution**

The County Attorney presented the resolution to allow for participation in the settlement of the opioid litigation. He did not currently have an amount for how much money the County would receive from the settlement. If the County wished to participate, they would need to pass the resolution before the end of the year.

Supervisor McGhee moved to approve the resolution as titled and read by the Chairman, seconded by Supervisor Hoffman. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

### **5A. RRRC Board Appointment for Jonathon Weakley**

Supervisor Yowell made a motion to appoint Jonathon Weakley to the RRRC Board, seconded by Supervisor Hoffman. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

## INFORMATION / CORRESPONDENCE

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### PUBLIC HEARING

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#### 6. Cigarette Tax Hearing at 5:00 PM

The County Administrator updated the Board that the Blue Ridge Cigarette Tax Board had been formed by the required six localities. The current hearing would be on whether Madison County would join the Board and at what level the tax would be set at. Other questions included whether Madison County would want to implement a tax and how to implement it. The maximum tax consideration is set at 40 cents per pack, thus allowing the Board to set the levy from 40 cents to anything lower. The Town of Madison is also considering the resolution as well. The buy-in portion for Madison is estimated to be around \$8,000 to \$9,000. The projected revenues are as follows:

- 40 cents per pack — ~\$125,000
- 20 cents per pack — ~\$62,000

The County Administrator stated that it was his opinion that, if the Board wanted to participate, that they not go under the 20 cents levy as it would defeat the purpose of the tax itself.

The County Attorney said he had no further statements for the proposal and that he had seen localities go for the max and considerably lower as well.

The Commissioner of the Revenue said that the regional group would be able to process the cigarette tax than the County itself due to staffing and resources.

- *Supervisor Yowell: Said that he was surprised that there was not a fixed cost involved for the buy-in.*

Mr. Blount responded that on-going costs would be handled by packs sold per locality.

- *Chairman Jackson: Asked Mr. Blount how many other localities had joined the Tax Board and how many had already had a public hearing.*

Mr. Blount responded that seven others had joined; six counties and the city of Charlottesville. All other Counties had already held a public hearing.

- *Chairman Jackson: Asked what rates the others had set the levy at.*

Mr. Blount responded that only one had set the levy so far and they had set it at 15 cents per pack.

The County Administrator informed the Chairman that the following had joined the Board

- Albemarle
- Augusta
- Fluvanna
- Greene

- Nelson
- Orange
- The City of Charlottesville

- *Supervisor Yowell: Asked about the language in the proposal stating “per cigarette” and whether the rate per cigarette would be around two cents.*

Mr. Blount responded that the language is written that way because that is the way it is presented in the code.

- *Supervisor Yowell: Asked how and when the tax rate could be changed.*

Mr. Blount said that would be the Board’s prerogative as the ordinance would be wholly owned by the County.

The County Administrator said he believed it would be a good idea for the Board to revisit the idea every year to see if they wished to change the amount.

- *Chairman Jackson: Asked if the Board could change the amount whenever they liked so long as they went through the public hearing process.*

The County Attorney confirmed that the Chairman was correct.

Chairman Jackson opened the public comment portion of the meeting for the cigarette tax hearing.

Mr. Buchanan was present online and asked what the money would be used for and what the tax would hurt. Also stated that 32% of households that smoke on a daily basis make under 20k a year and won’t quit and will forego food and medical care instead.

- *Chairman Jackson: Stated that he had received an email from Thomas Bryant from NATO (National Association of Tobacco Outlets) in opposition to the cigarette tax. The Chairman asked what ordinance # would apply to the current ordinance.*
- *Supervisor Yowell: Asked if the fourth paragraph needed to be changed where it stated “with the County of” to “Madison County”.*

The County Administrator advised that it would be filled in as such. He also advised that the ordinance would be #2021-10.

Supervisor Hoffman made a motion to enact the ordinance approving the formation of a joint entity to be known as the Blue Ridge Cigarette Tax Board and bestowing on such entity all powers necessary and proper for the performance of its duties as provided by law, seconded by Supervisor McGhee. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

- *Chairman Jackson: Asked if the Board needed to approve a rate per cigarette.*

The County Attorney responded that 40 cents per pack would be appropriate for the Board to approve.

The County Administrator asked if it would be okay to simply plug in the amount that the Board sets and the location.

The County Attorney responded that he had no problems with that. He also stated that the Board could set a lower rate than 40 cents if they wanted and could do it either by letting the current motion failing on a vote and replacing it or amending the current motion.

Supervisor Yowell made a motion to set the rate at 40 cents per pack, seconded by Supervisor McGhee. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

## **PUBLIC COMMENT**

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Ms. Montgomery stated that the presentation by Hurt & Proffitt was very well done and one of the best she had ever seen.

## **INFORMATION & CORRESPONDENCE**

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The County Administrator informed the Board of the joint CIP committee's activities. The Committee has identified some paving and sidewalk work that will need to take place at the Primary School. He suggested that the Board check with the Bond Council for how bond proceeds can be used for the project. The request was for Hurt & Proffitt to establish what paving would look like which could lead to a design (\$27,400).

- *Chairman Jackson: Said it would be a good idea to invest in what they just spent money on in regards to water flowing back into the buildings. Reported that the Superintendent had conducted a straw poll and that everybody seemed okay with the suggested amount.*

The County Administrator advised the Board that the County's projects were not as time-sensitive as the school's, but he would await Board direction before seeking new quotes.

- *Chairman Jackson: Said obtaining quotes was a relatively cheap process and encourage the County Administrator to seek them.*
- *Supervisor Yowell: Asked if "bond proceeds" was being used synonymously with "debt proceeds".*

The County Administrator said he would pass it on to Mr. Anderson to get a clear answer for Supervisor Yowell.

- *Chairman Jackson: Said that more microphones were needed for the auditorium; asked Bruce Livingston how much more mics would cost.*

Mr. Livingston said he believed he could install three more microphones and wanted to build everyone's confidence in using GoToMeeting to avoid having to use a microphone for the conference phones. Estimated he could add the mics for \$2,000-\$3,000.

The County Administrator advised that another lectern could be installed on the left side.

## **CLOSED SESSION**

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## **ADJOURN**

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With there being no further business to discuss, Supervisor Hoffman made a motion to adjourn, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*